

THE EFFECTIVE DATE OF THIS ORDINANCE IS OCTOBER 25, 2007

ORDINANCE NO. 07-31-471

**Re: Requirements for Self-Storage Units Developments,  
Including Allowance of Multiple Structures on a Single Lot**

**BACKGROUND**

Section 1-19-136 of the Frederick County Code provides, in pertinent part, that “except as otherwise permitted by this chapter, ...in commercial or industrial districts, only 1 principal structure and customary accessory structures will be permitted on any single lot,” and For many years, §1-19-136 was applied to allow multiple structures on a single lot in commercial or industrial districts, if all of the buildings were intended for the same use. However, in February 2006, the Board of Appeals for Frederick County, interpreting the plain language of this section, determined that §1-19-136 regulates the number of structures on a lot, and not the number of uses on a lot.

Since learning of the Board of Appeals decision, the Frederick County Planning Commission and the Staff of the Division of Permitting and Development Review (DPDR) have interpreted and applied §1-19-136 as written, and have allowed only one principal structure on a single commercial or industrial lot unless the Zoning Ordinance provided for an exception to the general rule.

In Fall 2006, in response to concerns raised by members of the development community, County Staff worked on a text amendment to §1-19-136 to allow multiple structures on single lots if certain conditions are met. After struggling with the language of this text amendment for several months, the Staff decided that text amendments to create new exceptions to the general rule would be more effective than trying to amend §1-19-136.

On May 17, 2007, the BOCC considered a request from Jones Homes, LLC, on behalf of Northern Maryland Self Storage, to initiate a text amendment to allow multiple structures on a single lot for self-storage facilities. At that meeting, the BOCC directed the Staff to draft a text amendment to allow multiple structures for self-storage facilities.

On June 28, 2007, the BOCC reviewed the draft text amendment, made certain revisions, and voted to send it to public hearing. On August 15, 2007, the Frederick County Planning Commission held a public hearing and voted to recommend approval of the text amendment.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that the following additions and amendments shall be made to the Frederick County Zoning Ordinance (Chapter 1-19):

**§1-19-5 – Definitions – is hereby amended by adding the following definition:**

***SELF-STORAGE UNITS.* A BUILDING OR GROUP OF BUILDINGS CONSISTING OF INDIVIDUAL, SELF-CONTAINED UNITS LEASED OR RENTED TO INDIVIDUALS, ORGANIZATIONS, OR BUSINESSES FOR SELF-SERVICE STORAGE OF PERSONAL PROPERTY AND WHERE NO COMMERCIAL TRANSACTIONS ARE PERMITTED OTHER THAN THE LEASING AND RENTAL OF THE STORAGE UNITS.**

**[Continued on next page]**

**§1-19-289 - Use Regulations For Specific Zoning Districts – is hereby amended as follows:**

	<b>Zoning Districts</b>													
<b>Uses</b>	<b>RC</b>	<b>A</b>	<b>R1</b>	<b>R3</b>	<b>R5</b>	<b>R8</b>	<b>R12</b>	<b>R16</b>	<b>VC</b>	<b>HS</b>	<b>GC</b>	<b>ORI</b>	<b>LI</b>	<b>GI</b>
<b>Wholesaling and Processing</b>														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning											PS		PS	PS
Contractors office and storage													PS	
Explosive materials storage		E												
Petroleum products storage													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning													PS	PS
<b><u>SELF-STORAGE UNITS</u></b>											<b><u>PS</u></b>		<b><u>PS</u></b>	<b><u>PS</u></b>
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS

§1-19-290 Design Requirements For Specific Districts - is hereby amended as follows:

<i>Use Classification</i>	<i>Minimum Lot Area*</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width*</i>	<i>Front Yard*</i>	<i>Side Yard*</i>	<i>Rear Yard*</i>	<i>Height</i>
<b><i>General Commercial District GC</i></b>							
Natural resources	5 acres	—	300	40	50	50	30'
Transient housing	20,000	500	100	25	15	40	60'
Hotel or motel							
Commercial use	12,000	—	100	25	8	25	60'
Shopping centers	See § 1-19-305			25	*	*	60'
Wholesaling and processing	20,000	—	100	25	*	25	60'
Automobile and related service	12,000	—	100	25	8	25	60'
Animal care and services	12,000	—	100	25	8	25	60'
Commercial amusements	12,000	—	100	25	8	25	60'
Open space uses	No minimum	—	—	—	—	—	—
Institutional	12,000	—	200	40	40	40	30'
Governmental and public utilities	12,000	—	200	40	40	40	30'
<b><u>SELF-STORAGE UNITS</u></b>	<b><u>20,000</u></b>	<b><u>—</u></b>	<b><u>100</u></b>	<b><u>25</u></b>	<b><u>10***</u></b>	<b><u>25***</u></b>	<b><u>60***</u></b>
<b><i>Limited Industrial District LI0</i></b>							
Industrial	20,000	—	100	25	*	20	60'
Automobile services	20,000	—	100	25	*	20	60'
Wholesaling/processing	20,000	—	100	25	**	20	60'
Open space uses	No minimum	—	—	—	—	—	—
Governmental and public utilities	20,000	—	200	40	40	40	30'
<b><u>SELF-STORAGE UNITS</u></b>	<b><u>20,000</u></b>	<b><u>—</u></b>	<b><u>100</u></b>	<b><u>25</u></b>	<b><u>10***</u></b>	<b><u>25**</u></b> <b><u>—</u></b>	<b><u>60***</u></b>

<i>Use Classification</i>	<i>Minimum Lot Area*</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width*</i>	<i>Front Yard*</i>	<i>Side Yard*</i>	<i>Rear Yard*</i>	<i>Height</i>
<b><i>General Industrial District GI</i></b>							
All permitted uses	1 acre	—	150	25	15	40	60'
Open space uses	No minimum	—	—	—	—	—	—
Governmental and public utilities	1 acre	—	200	40	40	40	30'
<b><u>SELF-STORAGE UNITS</u></b>	<b><u>20,000</u></b>	<b><u>—</u></b>	<b><u>100</u></b>	<b><u>25</u></b>	<b><u>10***</u></b>	<b><u>25***</u></b>	<b><u>60***</u></b>

\*\*\* EXCEPT AS PROVIDED IN §1-19-314(B)(2) AND §1-19-314(D)(1).

New §1-19-314 is hereby added to Chapter 19.

**§1-19-314. SELF-STORAGE UNITS.**

**(A) MULTIPLE STRUCTURES.**

MULTIPLE SELF-STORAGE UNIT BUILDINGS MAY BE LOCATED ON A SINGLE LOT IF THE FOLLOWING REQUIREMENTS ARE SATISFIED:

- (1) ONLY ONE BUILDING SHALL BE DESIGNATED AS THE MAIN OR OFFICE BUILDING;
- (2) SIGNAGE SHALL BE ALLOWED AND CALCULATED ONLY FOR THE MAIN OR OFFICE BUILDING.
- (3) EACH BUILDING, WITH THE EXCEPTION OF ONE MAIN OR OFFICE BUILDING, SHALL BE USED EXCLUSIVELY FOR SELF-STORAGE.

**(B) BULK REGULATIONS.**

- (1) SEE SECTION 1-19-290.
- (2) IF THE DEVELOPMENT IS ADJACENT TO A RESIDENTIAL DISTRICT OR USE, THEN THE MINIMUM SIDE YARD SETBACK SHALL BE 20 FEET OR EQUAL TO THE HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.

**(C) MINIMUM LANDSCAPED OPEN SPACE.**

- (1) MINIMUM LANDSCAPED OPEN SPACE SHALL NOT BE LESS THAN 20 PERCENT OF THE LAND AREA OF THE LOT.
- (2) OPEN SPACE SHALL NOT BE USED FOR PARKING OR STORAGE OF VEHICLES, VEHICULAR TRAFFIC, OR STORMWATER MANAGEMENT FACILITIES.
- (3) ALL OPEN SPACE MUST BE LANDSCAPED.

**(D) DESIGN REQUIREMENTS**

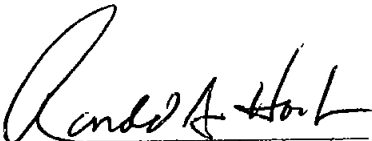
- (1) THE DESIGN OF THE BUILDING(S) SHALL BE COMPATIBLE WITH THE SURROUNDING PROPERTY AND USES. ELEMENTS TO BE CONSIDERED IN DETERMINING COMPATIBILITY INCLUDE: BUILDING HEIGHT, SCALE, MASSING, ORIENTATION, AND MATERIALS; LOT ORIENTATION, SIZE, SHAPES, WIDTHS AND DEPTHS; DISTANCE BETWEEN BUILDINGS; PEDESTRIAN AND VEHICULAR TRAFFIC CIRCULATION, ACCESS AND PARKING; LIGHTING, ODOR AND NOISE IMPACTS
- (2) THE FACADES OF ALL BUILDING(S) MUST BE OF CONSISTENT DESIGN AND CONSTRUCTED OF THE SAME OR SIMILAR MATERIALS.
- (3) ALL SERVICE AND LOADING AREAS SHALL BE SCREENED FROM PUBLIC VIEW.
- (4) STORAGE UNIT DOORS AND ACCESS AREAS SHALL NOT FACE A PUBLIC WAY (STREET, ROAD, SIDEWALK, ETC.) OR THE PUBLIC VIEW.
- (5) LIGHTING SHALL BE DESIGNED AND DIRECTED AWAY, OR SCREENED, FROM ADJOINING PROPERTIES SO AS NOT TO CAUSE GLARE ON OR ADVERSELY IMPACT ADJOINING PROPERTIES.
- (6) LIGHTING SHALL NOT EXCEED 0.5 FOOT/CANDLES AT THE PERIPHERY OF THE SITE.
- (7) LIGHT POLES MAY NOT EXCEED 12 FEET (MEASURED FROM THE GROUND TO THE POINT OF ILLUMINATION OR LENS) UNLESS THE PLANNING COMMISSION GRANTS A MODIFICATION DURING SITE PLAN REVIEW AND APPROVAL.

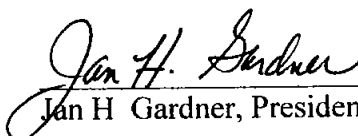
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on  
October 25, 2007.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 15<sup>th</sup> day of October 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
Ronald Hart  
County Manager

BY:  (SEAL)  
\_\_\_\_\_  
Jan H Gardner, President

KAM  
10/17/07